(1) C.f. 1001 SINGLE BENCH (2)

IN THE HIGH COURT OF JUDICATURE AT CHHATTISGARH : BILASPUR

WRIT PETITION NO. 2515 /2006

PETITIONER — Smt. Shashikala, W/o Ramnarayan Aged about 24 years, R/o village Marghatti, Tahsil Malkharauda, District Janjgir-Champa (C.G.)

Versus

RESPONDENTS

1) State of Chhattisgarh Through : The Secretary Panchayat, D.K.S. Bhawan, Raipur (C.G.)

2) The Collector, District Janjgir-Champa (C.G.)

3) Additional Collector, Janjgir-Champa (C.G.)

4) Sub Divisional Officer, Sakti, District Janjgir-Champa (C.G.)

5) Bharti W/o Sukhiram

6) Kantibai W/o Nakdau

7) Janki W/o Shivnandan

8) Rambai W/o Rameshwar Patel

9) Salikabai W/o Bajrangbali Yadav Respondent Nos. 5 to 9 are reside in village Marghatti, Tahsil Malkharauda, District Janjgir-Champa (C.G.)

10) N.L. Darshan, Presiding Officer, Polling No. 142, Upper Teacher, Girls School, Sakti, Tahsil Sakti, District Janjgir-Champa (C.G.)

11) O.P. Jaiswal, Presiding Officer, Polling No. 143, Upper Grade Teacher, Girls School, Baradwar, District Janjgir

12) T.R. Sahu, Presiding Officer, Polling No. 144, Head Master, Middle School Sakreli Baradwar, District Janjgir-Champa (C.G.)

13) H. Lakra, Election Officer, Janpad Panchayat Malkharauda and Tahsildar Malkharauda, Tahsil

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P.R. No. 2409/06 Presented by Shri S.C. Verma dated 3/5/06

5/5/06

(2) (4)

Malkharauda, District Janjgir-
Champa (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

The petitioner named above most respectfully begs to prefer present writ as under :

XI-HC-78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.2515/ **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
19-6-2006	Mr. Satish Chandra Verma, counsel for the petitioner. Mr. Sumesh Bajaj, Government Advocate for the State/respondents No.1 to 4. Heard both the counsel. By this writ petition under Article 226/227 of the Constitution of India, the petitioner has questioned legality, propriety and correctness of the order dated 23-8-2005 whereby the application for recount of votes of the petitioner was rejected by the Specified Officer. Learned counsel for the petitioner submitted that at this stage, he is making a limited prayer because the petitioner contested election to the post of Sarpanch, Village Panchayat: Marghatti, Tehsil: Malkharauda, District: Janjgir-Champa in which respondent No 5 was declared elected. The petitioner moved an application for recount of votes under Section 122 (1) of the Chhattisgarh Panchayat Raj Adhiniyam, but the prayer of the petitioner was not acceded to and on which the petitioner filed election petition in the Court of Sub Divisional Officer, Sakti who issued notices. Thereafter, the petitioner again made an application before the S.D.O. and that has been rejected on the ground that the same shall be decided only after recording the evidence. Learned counsel further submitted that thereafter, the election petition is not being proceeded and the matter is pending, therefore, respondent No.4 be directed to decide the election petition. The prayer made by learned counsel for the petitioner is just and fair. The matter pertains to the year 2005 and the election petitions are even otherwise, supposed to be decided at the earliest. Therefore, it is expected that respondent No.4 shall decide the election petition of the petitioner herein, as early as possible within next six months, in accordance with law. With the direction aforesaid, the petition stands disposed of. Sd/- L.C. Bhadoo Judge	

Soma

19/6/06